# THE BOMBAY MEDICAL PRACTITIONERS' ACT, 1938.

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SCHEDULE.

# BOMBAY ACT No. XXVI OF 1938.[1]

[THE BOMBAY MEDICAL PRACTITIONERS' ACT, 1938.]

[*1st March 1939*]

Amended by Bom. 33 of 1949.
,, ,, ,, 5 of 1950 †
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 48 of 1951.
,, ,, ,, 13 of 1953.
,, ,, ,, 61 of 1954.*
,, ,, ,, 2 of 1955.

**An Act to regulate the qualifications and to provide for the registration of practitioners of [2][Ayurvedic and [3][Unani]] systems of medicine with a view to encourage the study and spread of such systems and to amend the law relating to medical practitioners generally in the Province of Bombay.**

WHEREAS it is expedient to regulate the qualifications and to provide for the registration of practitioners of the [2][Ayurvedic and [3][Unani] ] systems of medicine with a view to encourage the study and spread of such systems and to amend the law relating to medical practitioners generally; It is hereby enacted as follows :—

## PART I.

### PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act shall be called the Bombay Medical Practitioners' Act, 1938.
(*2*) It extends to the whole of the [4][State] of Bombay.
(*3*) Parts I and II of this Act shall come into force on such date as the [5][State] Government may by notification in the *Official Gazette* appoint. Part III shall come into force in all municipal, cantonment and notified areas in the [4][State] on the expiry of two years and in all other areas on the expiry of five years from the date on which Parts I and II come into force in the respective areas.

## PART II

### [6][AYURVEDIC AND [3][UNANI] ] SYSTEMS OF MEDICINE.

Definitions.

2. In this Part of the Act, unless there is anything inconsistent in the subject or context —

(*1*) " Board " means the Board of [6][Ayurvedic and [3][Unani] ] systems of medicine, Bombay, established and constituted under section 3.

[7][(*1A*) " By-law " means by-law made under section 28A.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1938, Part V, pp. 273-277 ; for Report of the Select Committee, *see Bombay Government Gazette*, 1938, Part V, pp. 512-523 ; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1938, Vol. 3, Part II, pp. 1455-1500, 1523-1552, 1577-1582, Vol. 4, *ibid.*, pp. 32-36, 1450, 3843-3899 ; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1938, Vol. 4, pp. 192-195, Vol. 5, *ibid.*, pp. 252-273, and 275-324 and 344.

[2] These words were substituted for the word " Indian " by Bom. 5 of 1950, s. 2.

[3] This word was substituted for the words " Unani Tibbi " by Bom. 61 of 1954, s. 2.

[4] This word was substituted for the word " Province " by the Adaptation of Laws Order, 1950.

[5] This word was substituted for the word " Provincial ", *ibid.*

[6] These words were substituted for the word " Indian " by Bom. 5 of 1950, s. 3.

[7] These clauses were inserted by Bom. 33 of 1949, s. 2.

† Sections 12 and 13 of Bom. 5 of 1950 read as under :—

Construction of references in enactments, rules, regulations, orders, etc.

12. References in any enactment, rule, regulation, order, notification, by-law, application or instruments in force on the day immediately before the coming into force of this Act to " the Board of Indian Systems of Medicine, Bombay " and to " the Faculty of Indian Systems of Medicine, Bombay " shall respectively be construed as references to " the Board of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay " and to " the Faculty of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay ".

Suits and proceedings.

13. If at the commencement of this Act any legal proceedings are pending to which the Board of Indian Systems of Medicine, Bombay, or the Faculty of Indian Systems of Medicine, Bombay, is a party, the Board of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay, and the Faculty of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay, shall, respectively be deemed to be substituted therefor.

*See sections 11 to 13 of Bom. 61 of 1954.

(*1B*) "Faculty" means the Faculty of [1][Ayurvedic and [2][Unani]] systems of medicine, Bombay, established and constituted under section 3A.]

[3][(*2*) "Ayurvedic and [2][Unani] systems of medicine" means the Ayurvedic system of medicine and the [2][Unani] system of medicine.

(*2A*) "Ayurvedic system of medicine" or "the Ayurvedic system" means the Ayurvedic (including the Siddha) system of medicine whether supplemented or not by such modern advances as the Faculty may from time to time have determined.

(*2B*) "[2][Unani] system of medicine" or "[2][Unani] system" means the [2][Unani] system of medicine whether supplemented or not by such modern advances as the Faculty may from time to time have determined.]

(*3*) "Inspector" means an Inspector appointed by the [4][Faculty] under section 22.

[5][(*3A*) "List" means a list of practitioners prepared and kept under section 18.]

(*4*) "Part" means a Part of this Act.

(*5*) "Practitioner" means practitioner of the [6][Ayurvedic system of medicine or [2][Unani] system of medicine].

(*6*) "President" means the President of the Board.

(*7*) "Qualifying Examination" means [7][an examination specified in the Schedule].

[8][(*7A*) "Recognised Institution" means an institution recognised under section 21A.]

[9]* * * * * *

(*8*) "Register" means the Register of practitioners maintained under section 15.

(*9*) "Registered practitioner" means a practitioner whose name is for the time being entered in the Register.

(*10*) "Registrar" means the Registrar appointed under section 14.

[9]* * * * * *

(*11*) "Regulations" means regulations made under section 30.

(*12*) "Rules" means rules made under section 29.

[8][(*13*) "Schedule" means the Schedule appended to this Act.]

Establishment, constitution and incorporation of the Board.

3. (*1*) Subject to the provisions of section 31, the [10][State] Government shall by notification in the *Official Gazette* establish a Board to be called "the Board of [1][Ayurvedic and [2][Unani]] Systems of Medicine, Bombay." [11]* * Such Board shall be a body corporate and have perpetual succession and a common seal and may by the said name sue and be sued.

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[1] These words were substituted for the word "Indian" by Bom. 5 of 1950, s. 3.

[2] This word was substituted for the words "Unani Tibbi" by Bom. 61 of 1954, s. 2.

[3] Clauses (*2*), (*2A*) and (*2B*) were substituted for the original clause (*2*) by Bom. 5 of 1950, s. 4(*i*).

[4] This word was substituted for the word "Board" by Bom. 33 of 1949, s. 2.

[5] This clause was inserted by Bom. 33 of 1949, s. 2.

[6] These words were substituted for the words "Indian System of Medicine" by Bom. 5 of 1950, s. 4(*ii*).

[7] These words were substituted for the words "the examination held for the purpose of granting a diploma conferring the right of registration under this Act" by Bom. 33 of 1949, s. 2.

[8] This clause was inserted, *ibid.*

[9] Clauses (*7B*) and (*10A*) were deleted by Bom. 6 of 1954, s. 3.

[10] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[11] The words "for the purpose of carrying out the provisions of this Part" were deleted by Bom. 33 of 1949, s. 2.

(*2*) The Board shall consist of [1][fourteen] members, who shall be appointed in the following manner, namely :—

[2][ (*i*) A President nominated by the [3][State] Government ;

(*ii*) Five members nominated by the [3][State] Government, out of whom—

(*a*) one shall be a person residing in the [4][State] or in areas over which the [3][State] Government has jurisdiction under the Extra Provincial Jurisdiction Act, 1947, and practising in the Ayurvedic [5]* * * system of medicine, and

XLVI of 1947.

(*b*) one shall be a person residing in the [4][State] or areas referred to in clause (*a*) and practising in the [6][Unani] system of medicine ;

(*iii*) Six members elected by the registered practitioners from amongst themselves ; and

(*iv*) Two members elected by the Faculty who shall be persons other than those appointed under any of the preceding clauses].

(*3*) The seats of members elected under clause (*iii*) of sub-section (*2*) shall be so divided amongst the Ayurvedic and [6][Unani] registered practitioners as to be in the proportion of their numbers on the Register on the date of the election :

Provided that in determining the said proportion a fraction of one-half and less shall be neglected and a fraction of more than one-half shall be counted as one :

[7]* * * * * * *

[8][**3A.** There shall be a Faculty of [9][Ayurvedic and [6][Unani] ] Systems of Medicine, Bombay. The Faculty shall be a body corporate and have perpetual succession and a common seal and may by the said name sue and be sued. The Faculty shall consist of fourteen members appointed in the following manner, namely :— Faculty.

(*1*) The President shall be the ex-officio chairman ;

(*2*) Six members nominated by the [3][State] Government out of whom at least two shall be registered practitioners ;

(*3*) Two members elected from amongst themselves by the principals or heads of recognised institutions :

Provided that at least one of them shall be a person who holds any of the qualifications specified in the Schedule.

(*4*) Three members elected from amongst themselves by recognised teachers (other than the principals or heads of institutions) in recognised institutions :

Provided that such teachers have been on the roll of a recognised institution for a period of one year immediately preceding the day appointed for election by the [3][State] Government in this behalf :

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[1] This word was substituted for the word " thirteen " by Bom. 33 of 1949, s. 3.
[2] These clauses were substituted for the original, *ibid.*
[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[4] This word was substituted for the word " Province ", *ibid.*
[5] The brackets and words " (including Siddha) " were deleted by Bom. 5 of 1950, s. 5.
[6] This word was substituted for the words " Unani Tibbi " by Bom. 61 of 1954, s. 2.
[7] The second proviso to sub-section (*3*) and sub-section (*4*) and the Explanation were deleted by Bom. 33 of 1949, s. 3.
[8] This section was inserted, *ibid.*, s. 4.
[9] These words were substituted for the word " Indian " by Bom. 5 of 1950, s. 2.

Provided also that out of the three members so elected by such teachers, at least one shall be a registered practitioner, and another who shall hold any of the qualifications specified in the Schedule.

(*5*) Two members elected by the Board who shall be persons other than those appointed under any of the preceding clauses, but one of whom shall be a registered practitioner in the [1][Unani] system :

Provided that—

(*a*) if there are one or more recognised institutions giving instruction in the full course of [1][Unani] system, the number of members to be elected under clause (*3*) shall be three, one of whom shall be the principal or head of such institution, the total number of the members of the Faculty being in that case increased to fifteen ;

(*b*) the Faculty shall always contain at least two members who are entitled to represent the [1][Unani] system under this section.

*Explanation.*—If any question arises whether a particular person is entitled to represent the [1][Unani] system, the decision of the [2][State] Government shall be final.]

Nomination of members in default of election.

**4.** If any of the members is not elected under [3][section 3 or 3A], the [2][State] Government may [4]* * * nominate such registered practitioners as they deem fit and the practitioners so nominated shall for the purposes of this Part be deemed to have been duly elected under [3][section 3 or 3A, as the case may be].

Election of members.

**5.** The election of practitioners entitled to be the members of the Board [5][and the Faculty] shall be held at such time and place and in such manner as may be prescribed by rules :

[6][Provided that in the case of the members of the Faculty to be elected by the Board and of the members of the Board to be elected by the Faculty the other members of the Board or the Faculty, as the case may be, shall, as soon as may be, after their election or nomination, meet to hold the election.]

Term of office.

**6.** (*1*) Save as otherwise provided by this Part—

[7][(*a*)] the term of office of elected and nominated members [8][of the Board] shall be for a period of five years commencing from the date on which the first meeting of the Board is held after the members are elected under sub-section (*2*) of section 3 ;

[9][(*b*) the term of office of elected and nominated members of the Faculty shall expire on the date on which the term of the Board expires under this section.]

(*2*) An outgoing member shall continue in office until the election or nomination of his successor, as the case may be.

(*3*) The outgoing member shall be eligible for re-nomination or re-election.

Vacancies.

**7.** If a vacancy occurs in the office of a member of the Board [10][or the Faculty] through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the

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[1] This word was substituted for the words " Unani Tibbi " by Bom. 61 of 1954, s. 2.

[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[3] These words, figures and letter were substituted for " clause (*iii*) of sub-section (*2*) of section 3 " by Bom. 33 of 1949, s. 5.

[4] The words " notwithstanding anything contained in sub-section (*2*) of the said section " were deleted, *ibid.*

[5] These words were substituted for " under clause (*iii*) of sub-section (*2*) of section 3 ", *ibid.*, s. 6.

[6] This proviso was added, *ibid.*, s. 6.

[7] The brackets and letter " (*a*) " were inserted, *ibid.*, s. 7.

[8] These words were inserted, *ibid.*

[9] This clause was substituted for the proviso , *ibid.*

[10] These words were inserted by Bom. 33 of 1949, s. 8.

manner prescribed by rules. Any person nominated or elected to fill the vacancy shall, notwithstanding anything contained in section 6, hold office only so long as the member in whose place he is nominated or elected, would have held office if the vacancy had not occured.

Resignation of a member.

**8.** Any member [1][of the Board or the Faculty] may at any time resign his office by letter addressed to the President [1][or the Chairman, as the case may be]. Such resignation shall take effect from the date on which it is received by the President [1][or the Chairman, as the case may be]..

Disabilities for continuing as member.

**9.** If any member, during the period for which he has been nominated or elected,—

(*a*) absents himself without such reasons as may in the opinion of the Board [2][or the Faculty] be sufficient, from three consecutive ordinary meetings of the Board [2][or the Faculty], or

(*b*) becomes subject to any of the disqualifications mentioned in section 10, the Board [2][or the Faculty, as the case may be,] shall declare his office to be vacant.

Disqualifications.

**10.** No person shall stand as a candidate for election as a member of the Board [2][or the Faculty] or shall be a member of the Board [3][or the Faculty],—

(*a*) who is an undischarged insolvent,

(*b*) who has been adjudicated by a competent Court to be of unsound mind, or

(*c*) whose name has been removed from the Register.

Validity of proceedings.

**11.** No disqualification of or defect in the election or nomination of any person acting as a member of the Board [3][or the Faculty] or as the President, [4][or Chairman] or presiding authority of a meeting shall be deemed to vitiate any act or proceeding of the Board [3][or the Faculty, as the case may be], in which such person has taken part.

Time and place of meeting of Board [5][and Faculty.]

**12.** [6][The Board or the Faculty shall meet] at such time and place and [6][every meeting of the Board and the Faculty ] shall be summoned in such manner as may be prescribed by regulations [7][or by-laws, as the case may be] :

Provided that until [6][such regulations or by-laws] are made, it shall be lawful for the President [6][or the Chairman] to summon a m eting of [6][the Board or the Faculty as the case may be,] at such time and place as he may deem expedient by letter addressed to each member.

Procedure at meetings of Board [9][and Faculty.]

**13.** (*1*) The President shall preside at every meeting of the Board. In the absence of the President the members present shall elect one of them to preside.

[10][(*1A*) The Chairman shall preside at every meeting of the Faculty. In the absence of the Chairman the members present shall elect one of them to preside.

(*2*) All questions at a meeting of the Board [11][or the Faculty] shall be decided by the votes of the majority of the members present at the meeting. Eight members shall form a quorum. No quorum shall be necessary for a meeting adjourned for want of a quorum.

(*3*) At every meeting of the Board [12][or the Faculty] [13][the person presiding] for the time being shall, in addition to his vote as a member of the Board [12][ r the Faculty] have a second or casting vote in case of an equality of votes.

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[1] These words were inserted by Bom. 33 of 1949, s. 9.
[2] These words were inserted, *ibid.*, s. 10.
[3] These words were inserted, *ibid.*, ss. 11 and 12.
[4] These words were inserted, *ibid.*, s. 12.
[5] These words were added, *ibid.*, s. 13.
[6] These words were substituted for the original, *ibid.*
[7] These words were added, *ibid.*
[8] These words were inserted, *ibid.*
[9] These words were added *ibid.*, s. 14.
[10] This sub-section was inserted, *ibid.*
[11] These words were inserted, *ibid.*
[12] These words were inserted by Bom. 33 of 1949, s. 14.
[13] These words were substituted for the words "the president", *ibid.*

Power and functions of Board.

[1][**13A.** Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers and functions of the Board shall be,—

(*a*) to appoint the Registrar and other officers and servants and to fix their salaries and allowances;

(*b*) to provide for the registration of practitioners and entry of their names in the list under this Act;

(*c*) to reprimand a registered practitioner or a practitioner whose name is entered in the list or to suspend or remove him from the register or list and to take such other disciplinary action against him as may, in the opinion of the Board be necessary or expedient;

[2][(*cc*) (*i*) to reprimand any person who practises any system of medicine to whom the provisions of section 32 do not apply by virtue of a notification issued under the proviso to sub-section (*1*) of the said section 32;

(*ii*) to suspend or prohibit such person from practising any system of medicine;

(*iii*) to take such other disciplinary action against such person as may in the opinion of the Board be necessary or expedient :

Provided that the Board shall not exercise any power under sub-clause (*ii*) or (*iii*) of this clause except with the previous sanction of the State Government.]

(*d*) to hear and decide appeals from the decisions of the Registrar.]

Powers and functions of Faculty.

[1][**13B.** Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers and functions of the Faculty shall be—

(*a*) to prescribe the course of training and the standard and subjects of qualifying examinations including the course of training and examinations prior to such qualifying examinations;

(*b*) to hold qualifying examinations and other examinations, to appoint examiners, to fix their fees and allowances and to declare the results of examinations;

(*c*) to grant degrees, honoraria, diplomas, licences and marks of honour;

(*d*) to award stipends, scholarships, medals, prizes and other rewards;

(*e*) to recommend recognition to institutions for the purpose of giving instruction [3][either in the Ayurvedic System of Medicine or the [4][Unani] System of Medicine or both] or to recommend their cancellation;

(*f*) to prepare, publish and prescribe text books and to publish statements of prescribed courses of study;

(*g*) to provide for the maintenance of an adequate standard of proficiency for the practice of the [5][Ayurvedic System of Medicine or the [4][Unani] System of Medicine];

(*h*) to found and maintain a library;

(*i*) to recommend schemes for post-graduate training and research in the [6][Ayurvedic and [4][Unani] Systems of Medicine;

(*j*) to provide for the inspection of institutions and to require institutions giving instruction [3][either in the Ayurvedic System of Medicine or the [4][Unani] System of Medicine or both] to furnish such information as may be necessary;

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[1] Sections 13A and 13B were inserted by Bom. 33 of 1949, s. 15.

[2] This clause was inserted by Bom. 61 of 1954, s. 4.

[3] These words were substituted for the words "in the Indian System of Medicine" by Bom. 5 of 1950, s. 6.

[4] This word was substituted for the words "Unani Tibbi" by Bom. 61 of 1954, s. 2.

[5] These words were substituted for the words "Indian System of Medicines" by Bom. 5 of 1950, s. 7.

[6] These words were substituted for the word "Indian", *ibid.*, s. 3.

(*k*) to appoint Inspectors and such other Officers and servants as may be necessary ;

(*l*) to appoint any committees or boards of studies as may be necessary and to lay down their constitution, duties and functions. Such committees or boards may contain members who are not members of the Faculty.]

[1][**13C.** The Board and the Faculty shall also exercise such other powers and perform such other functions as may be prescribed by or under this Act, or as the [7][State] Government may direct for carrying out the purposes of this Act.] Other powers and functions of Board and Faculty.

**14.** (*1*) The Board shall, with the previous approval of Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed by rules. The Board may from time to time grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all the purposes of this Act : Registrar.

[2][Provided that where the period of leave to be granted to the Registrar does not exceed one month, the President may grant such leave.]

(*2*) Any order of the Board appointing, punishing or removing a Registrar from office shall not be passed without the previous approval of the [3][State] Government.

(*3*) The Board may appoint such other officers and servants as may be necessary for the purposes of this Act :

Provided that the number and designations of such officers and servants, their salaries and allowances shall be subject to the previous approval of the [3][State] Government.

(*4*) The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

**15.** (*1*) Subject to the provisions of this Part and subject to any general or special orders of the Board, it shall be the duty of the Registrar to keep the Register [4][and the list. It shall also be the duty of the Registrar to attend the meetings of the Board and the Faculty and to perform generally the duties of the Secretary to both the said bodies.] Duties of Registrar.

(*2*) The Register shall be in such form as may be prescribed by rules. The Register shall be divided into the two parts :—

(*i*) that containing the names of practitioners qualified to practise the Ayurvedic system ; and

(*ii*) that containing the names of practitioners qualified to practise the [5][Unani] system.

The Register shall contain the names, residence and qualifications of every practitioner registered together with the date on which such qualification was acquired.

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[1] Section 13B was inserted by Bom. 33 of 1949, s. 15.
[2] This proviso was added by Bom. 33 of 1949, s. 16.
[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[4] These words were added by Bom. 33 of 1949, s. 17.
[5] This word was substituted for the words "Unani Tibbi" by Bom. 61 of 1954, s. 2.

(*3*) The Registrar shall keep the Register correct as far as possible and may from time to time enter therein any material alteration in the address or qualification of the practitioners. The names of registered practitioners who die or whose names are directed to be removed from the Register under sub-section (*3*) of section 16 shall be removed from the Register.

(*4*) The [1][State] Government may direct that any alteration in the entries as respects additional qualifications shall not be made unless on payment of such fee as may be prescribed by rules.

[2]* * * * * *

Registration.

16. (*1*) Every person who passes a qualifying examination shall on payment of a fee of Rs. 10 be entitled to have his name entered in the Register.

[3]* * * * * *

(*3*) The Board may direct that the name of any practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, which discloses such defect of moral character as is, in the opinion of the Board, sufficient to make him unfit to practise his profession or who, after due inquiry, has been found guilty of conduct, which is in the opinion of the Board infamous in any professional respect, shall be removed from the Register. The Board may, sufficient cause being shown, also direct that the name of the practitioner so removed shall be re-entered in the Register. V of 1898.

Appeal to Board from the decision of Registrar.

17. (*1*) Any person aggrieved by the decision of the Registrar regarding the registration of any person or any entry in the Register may appeal to the Board.

(*2*) Such appeal shall be filed and shall be heard and decided by the Board in the manner prescribed by the rules.

(*3*) The Board may on its own motion or on the application of any person, after due and proper enquiries and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the Register, if, in the opinion of the Board, such entry was fraudulently or incorrectly made.

Maintenance of list of persons in practice on 10th March 1938.

18. (*a*) The Registrar shall also prepare and keep a list called "a list of persons in practice on the 10th March 1938".

(*b*) Every person not being a person qualified for registration under this Act or under the Bombay Medical Act, 1912, who, within a period of two years from the date from which this Part comes into force, proves to the satisfaction of the Registrar that he has been in regular practice in this [4][State] on the 10th March 1938, of any system of medicine or surgery or midwifery or any of their branches shall be entitled to have his name entered in the aforesaid list on payment of Rs. 10 : Bom VI of 1912.

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[1] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

[2] Sub-section (*5*) was deleted by Bom. 61 of 1954, s. 5. Sub-section (*5*) shall be deemed to have been deleted with effect from 1st June 1954, *see* s. 13 of Bom. 61 of 1954.

[3] Sub-section (*2*) was deleted, by Bom. 33 of 1949, s. 17 and s. 18.

[4] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

Provided, however, that any person whose name has been removed from the Register kept under the Bombay Medical Act, 1912, or the Register kept under an Act of [1]the Legislature of a State in India] or from the register of any country where he was formerly practising, for infamous conduct in a professional respect, shall not be entitled to have his name entered in the list.

Bom. VI of 1912.

(*c*) The provisions of sub-sections (*3*) and (*5*) of section 15, sub-section (*3*) of section 16, and section 17 shall *mutatis mutandis* apply to this list.

Renewal fee.

[2][**18A.** [3][(*1*) Notwithstanding anything contained in section 16 or 18, each medical practitioner shall pay to the Board on or before the 31st day of December 1954 and every three years thereafter a renewal fee of such amount and on or before such date as may be prescribed by rules, for the continuance of his name on the Register or list, as the case may be.]

[4][Provided that the renewal fee due on 31st day of December 1954 may be paid not later than the 31st day of March 1955.]

(*2*) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the Register or list, as the case may be :

Provided that the name so removed may be re-entered in the Register or list on payment of the renewal fee in such manner and subject to such conditions as may be prescribed.].

Qualified practitioners' certificates.

**19.** Notwithstanding anything in any law for the time being in force—

(*1*) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or member of medical profession shall in all Acts of Legislature in the [5][State] of Bombay and in all [6][Central Acts] (in their application to the [5][State] of Bombay) in so far as such Acts relate to any of the matters specified in List II or List III in the Seventh Schedule to the [7][Constitution], include a registered practitioner ;

(*2*) A certificate required by any Act from any medical practitioner or medical officer shall be valid, if such certificate has been signed by a registered practitioner ;

(*3*) a registered practitioner shall be eligible to hold any appointment as a Physician, Surgeon or other medical Officer in any Ayurvedic or Unani dispensary, hospital, infirmary or lying-in-hospital supported by or receiving a grant from the [5][State] Government and treating patients according to the Indian systems of medicine or in any public establishment, body or institution dealing with such systems of medicine.

**20.** [*Notice of death*] Deleted by Bom. 61 of 1954, s. 7.

Examination before registration.

**21.** [8][Save as otherwise provided by the provisions of this Act [9][the name of any person] shall not be entered in the Register as a registered practitioner, unless he has passed a qualifying examination.

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[1] This portion was substituted for the portion "a Provincial Legislature in British India" by the Adaptation of Laws Order, 1950.

[2] This section was inserted by Bom. 33 of 1949, s. 19.

[3] This sub-section was substituted for the original by Bom. 61 of 1954, s. 6.

[4] This proviso was added by Bom. 2 of 1955, s. 3, Second Schedule; this amendment was given retrospective effect.

[5] This word was substituted for the word "Provincial" and "Province" by the Adaptation of Laws Order, 1950.

[6] These words were substituted for the words "Acts of the Central Legislature", *ibid.*

[7] This word was substituted for the original portion, *ibid.*

[8] These words were substituted for "Notwithstanding anything contained in section 16 on and after the expiry of two years from the date from which this Act comes into force," by Bom. 33 of 1949, s. 20.

[9] These words were substituted for the words "a person", *ibid.*

Recognition of Institutions.

[1][21A. (*1*) Any institution applying for recognition under this Act shall send an application to the Registrar and shall give full information in respect of the following matters :—

(*a*) the constitution and personnel of the managing body ;

(*b*) subjects and courses in which it gives or proposes to give instructions ;

(*c*) accommodation, equipment and the number of students for whom provision has been or is proposed to be made ;

(*d*) the strength of the staff, their salaries, qualifications and the research work made by them ;

(*e*) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(*2*) The Registrar shall place the application before the Faculty and the Faculty may direct the Registrar to call for any further information which it may deem necessary. The Faculty may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(*3*) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the Faculty shall forward the application together with its report to the [2][State] Government stating its opinion whether the recognition asked for should or should not be granted. The [2][State] Government may thereupon grant or refuse the recognition or may grant it subject to such conditions as it deems fit. The decision of the [2][State] Government shall be final]

Qualifying examinations.

22. (*1*) The [3][Faculty shall by by-laws] prescribe the course of training and qualifying examinations including the course of training and examinations prior to qualifying examinations. [3][Such by-laws] shall provide that instruction and examinations shall, as far as possible, be given or held in any of the Indian languages spoken in the [2][State]

(*2*) A qualifying examination shall be an examination in the [4][Ayurvedic system of medicine or the [5][Unani] system of medicine] including the subjects of medicine, surgery and midwifery held [4][by the Faculty] for the purpose of granting [6][a degree or] a diploma conferring the right of registration under this Part [7][and specified in the Schedule ; and such other examination as may on the recommendation of the Faculty be included in the Schedule by the [2][State] Government by a notification in the *Official Gazette* from and after the date specified in the notification.]

(*3*) It shall be the duty of [8][the Faculty] to secure the maintenance of an adequate standard of proficiency for the practice of the [9][Ayurvedic system of medicine or the [5][Unani] system of medicine] including the subjects of medicine, surgery and midwifery. For the purpose of securing such standard, [8][the Faculty] shall have authority to call on the governing body or authorities [10][of any body or institution]

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[1] This section was inserted by Bom. 33 of 1949, s. 21.

[2] This word was substituted for the words " Provincial " and " Province " by the Adaptation of Laws Order, 1950.

[3] These words were substituted for the original by Bom. 33 of 1949, s. 22.

[4] These words were substituted for " Indian systems of medicine " by Bom. 5 of 1950, s. 7.

[5] This word was substituted for the words " Unani Tibbi " by Bom. 61 of 1954, s. 2.

[6] These words were inserted by Bom. 33 of 1949, s. 21.

[7] This portion was substituted for the original, *ibid.*

[8] These words were substituted for the words " the Board ", *ibid.*

[9] These words were substituted for the words " Indian system of medicine " by Bom. 5 of 1950, s. 9.

[10] These words were substituted for the words " of any institution " by Bom. 33 of 1949, s. 22.

giving instruction [1][either in the Ayurvedic system of medicine or the [2][Unani] system of medicine or both] and [3][on any body or institution recognised to hold a qualifying examination under sub-section (*2*) or holding a qualifying examination specified in the Scheduled,]—

(*a*) to furnish such particulars as [4][the Faculty] shall require of any course of study prescribed [5][by by-laws or examination held by such body or institution] with reference to the grant of any qualification; and

(*b*) to permit Inspectors [6][or any member or visitor] appointed by [4][the Faculty] from among the Registered practitioners in this behalf to attend and be present at all or any of the qualifying or prior examinations.

(*4*) The [7][Inspectors, members or visitors] shall not interfere with the conduct of any examination, but it shall be their duty to report to [4][the Faculty] their opinion as to the sufficiency or insufficiency of every examination which they attend and any other matters in relation to such examinations on which [4][the Faculty] may require them to report.

(*5*) Every qualifying examination and every prior examination leading up to it held by the bodies or institutions authorized under this section shall be inspected by [8][the Inspectors, members or visitors] at least once in [9][five] years and more frequently if [4][the Faculty] directs.

(*6*) [4][The Faculty] shall forward a copy of every such report to the body which held the examination in respect of which the said report was made and shall also forward a copy of such report, together with any observations thereon made by the said body, to the [10][State] Government.

(*7*) An Inspector, [11][a member or a visitor] shall receive such remuneration to be paid as part of the expenses of [4][the Faculty], as [4][the Faculty], with the previous sanction of the [10][State] Government, may determine.

Power of Faculty to include other examinations in Schedule.

[12][**22A.** If it shall appear to the [10][State] Government on the report of the Faculty or otherwise that the course of study and examinations prescribed by any body or institution conferring a qualification for an examination not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the [10][State] Government from time to time by notification in the *Official Gazette* to direct that the possession of such qualification shall, subject to the provisions of this Act, entitle a person to be so registered under this Part and to include in the Schedule any examination relating to such qualification as a qualifying examination from and after the date specified in the notification.]

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[1] These words were substituted for the words "in the Indian systems of medicine" by Bom. 5 of 1950, s. 9.
[2] This word was substituted for the words "Unani Tibbi" by Bom. 61 of 1954. s. 2.
[3] This portion was substituted for the original by Bom. 33 of 1949, s. 22.
[4] These words were substituted for the words "the Board", *ibid.*
[5] These words were substituted for the words "by regulations or examination held by such body or authority or in such school or college", *ibid.*
[6] These words were inserted, *ibid.*
[7] These words were substituted for the word "Inspectors", *ibid.*
[8] These words were substituted for the words "the Inspectors", *ibid.*
[9] This word was substituted for the word "three", *ibid.*
[10] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[11] These words were inserted by Bom. 5 of 1950, s. 9.
[12] This section was inserted, *ibid*, s. 23.

Removal of institutions authorized to hold qualifying examinations.

**23.** If it shall appear to the [1][State] Government on the report of [2][the Faculty or otherwise] that the course of study and examinations prescribed by any [3][of the bodies or institutions recognised to hold qualifying examinations under sub-section (*2*) of section 22 or holding examinations specified in the Schedule] are not such as to secure the maintenance of an adequate standard of proficiency for the practice of the [4][Ayurvedic system of medicine or the [5][Unani] system of medicine] including the subject of medicine, surgery or midwifery, as the case may be, it shall be lawful for the [1][State] Government from time to time [6][to direct that the recognition of any body or institution to hold qualifying examinations under section 22 shall be withdrawn and the said body or institution] shall not be authorized to hold a qualifying examination:

Provided that before any direction [7][for the withdrawal of the recognition of any body or institution] is made under this section, [8][the Faculty shall require the body or institution] to take steps within such time as it thinks fit to provide that the course of study and examinations prescribed [9][by the body or institution are] of an adequate standard.

Exemption from serving on inquests.

**24.** Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on any inquest or as a juror or assessor under the Code of Criminal Procedure, 1898. V of 1898

Fees payable to members of Board [10][and the Faculty].

**25.** There shall be paid to the members of the Board [10][and the Faculty] such fees and allowances for attendance and such reasonable travelling allowances as shall from time to time be prescribed by rules.

Fees received by Board [10][and the Faculty].

**26.** All moneys received by the Board [10][and the Faculty] as fees under this Part shall be applied for the purposes of this Part in accordance with the rules.

Annual list of practitioners.

**27.** (*1*) The Registrar shall [11][at least once in every five years] on or before a date to be fixed by the Board, cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the Register and the dates when such qualifications were acquired.

(*2*) In any proceeding it shall be presumed that every person entered in such list is a registered practitioner and that any person not so entered is not a registered practitioner.

**28.** [*False assumption of degree or diploma to be an offence.*] *Repealed by Bom. 33 of 1949, s. 28.*

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[1] This word was sub tituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] These words were substituted for the words "the Board" by Bom. 33 of 1949, s. 24.
[3] This portion was substituted for the words "of the institutions specified in the notification under section 22", *ibid.*
[4] These words were substituted for the words "Indian systems of medicine" by Bom. 5 of 1950, s. 7.
[5] This word was substituted for words "Unani Tibbi" by 61 of 1954, s. 2.
[6] This portion was substituted for the original by Bom. 33 of 1949, s. 24.
[7] These words were substituted for the words "for the removal of an institution from the said notification", *ibid.*
[8] These words were substituted for the words "the Board shall require the institution", *ibid.*
[9] These words were substituted for the words "by the institutions are", *ibid.*
[10] These words were inserted, *ibid.*, ss. 25 and 26.
[11] These words were substituted for the words "in every year", *ibid.*, s. 27.

[1][28A. (*1*) The Faculty may, with the previous sanction of the [2][State] Government, make by-laws not inconsistent with this Part or the rules for the following matters, namely :— By-laws.

(*a*) the course of study for training and qualifying examinations ;

(*b*) the language in which the examinations shall be conducted and instruction shall be given ;

(*c*) the admission of students to the recognised institutions ;

(*d*) the conditions under which students shall be admitted to degrees, diplomas, licence or certificate's course and to the qualifying and prior examinations ;

(*e*) the conditions of appointment of examiners and the conduct of examinations ;

(*f*) the conditions for the recognition of teachers in recognised institutions ;

(*g*) the requirements for the recognition of teaching institutions ;

(*h*) such other matters as may be necessary for the exercise of powers and performance of functions to be exercised or performed by the Faculty under this Act.

(*2*) All by-laws shall be published in the *Official Gazette.*

(*3*) The [2][State] Government may by notification in the *Official Gazette* cancel any by-law :

Provided that in submitting by-laws for the sanction of the [2][State] Government under this section the Faculty shall send a copy of its proceedings relating to the passing of such by-laws and shall state the number of its members representing [3][the Ayurvedic system of medicine and the [4][Unani] system of medicine, respectiv ly] who have voted for or against such by-laws or not voted in respect of such by-laws :

Provided further that in sanctioning the said by-laws due consideration shall be given to the opinion of the members of [3][the Ayurvedic system of medicine and the [4][Unani] system of medicine, respectively] as expressed in the said proceedings.]

**29.** (*1*) The [2][State] Government may, after previous publication, make rules to carry out all or any of the purposes of this Part. Rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, the [2][State] Government may make rules for any of the following matters :—

(*a*) the time at which and the place and manner in which election shall be held under section 5 ;

(*b*) the manner in which vacancies shall be filled under section 7 ;

(*c*) the manner in which the meetings of the Board [5][and the Faculty] shall be convened and held ;

(*d*) the salary, allowances and other conditions of service of the Registrar under section 14 :

(*e*) the form of the Registrar and the particulars to be entered therein under section 15 ;

(*f*) fees chargeable for the alteration of entries in the Register ;

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[1] This section was inserted by Bom. 33 of 1949, s. 29.
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] These words were substituted for the words "either system of Indian medicine" by Bom. 5 of 1950, s. 10.
[4] This word was substituted for the words "Unani Tibbi" by Bom. 61 of 1954, s. 2.
[5] These words were inserted by Bom. 33 of 1949, s. 30.

(*g*) the manner in which appeals against the decision of the Registrar shall be heard by the Board under section 17 ;

(*h*) the application of fees ;

(*i*) fees and other allowances payable to members of the Board [1][and the Faculty] under section 25 ;

[2][(*ii*) the amount of and the date on or before which renewal fee shall be paid and the manner in which and the conditions subject to which the name of a practitioner may be re-entered in the register or list under section 18A ;]

(*j*) the furtherance of any of the objects of [3][this Part] ;

[4]* * * * * * *

Regulations. **30.** (*1*) The Board may, with the previous sanction of the [5][State] Government, make regulations not inconsistent with this Part or the rules for any of the following matters, namely :—

(*a*) the time and place at which the Board shall hold its meetings under section 12 ;

(*b*) the salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar, under section 14 ;

[6]* * * * * * *

(*h*) all other matters which may be necessary for the purposes of carrying out the objects of this Part.

(*2*) All regulations shall be published in the *Official Gazette*.

(*3*) The [5][State] Government may by notification in the *Official Gazette* cancel any regulation.

[7]* * * * * * *

Control of [5][State] Government. **31.** If at any time it shall appear to the [5][State] Government that the Board [8][or the Faculty] has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Part or has failed to perform any of the duties conferred upon it by or under this Part, the [5][State] Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board [8][or the Faculty, as the case may be] and if the Board [8][or the Faculty] fails to remedy such default, excess or abuse, within such time as the [5][State] Government may fix on this behalf, the [5][State] Government may dissolve the Board [8][or the Faculty, as the case may be] and cause all or any of the powers and duties of the Board [8][or the Faculty, as the case may be] to be exercised and performed by such persons and for such period not exceeding two years as it may think fit.

[9][**31A.** *Registration Tribunal.*] *Deleted by Bom. 61 of 1954, s. 9.*

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[1] These words were inserted by Bom. 33 of 1949, s. 30.
[2] This clause was substituted for the original by Bom. 61 of 1954, s. 8 (*a*).
[3] These words were substituted for the words " the Board " by Bom. 33 1949, s. 30.
[4] Clause (*k*) was deleted by Bom. 61 of 1954, s. 8 (*b*).
[5] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[6] Clauses (*c*) to (*g*) were deleted by Bom. 33 of 1949, s. 31.
[7] The two provisos were deleted, *ibid.*
[8] These words were inserted, *ibid.*, s. 32.
[9] Sections 31A, 31B and 31C were inserted, *ibid.*, s. 33.

[1][**31B.**] [*Application for registration*]. *Deleted by Bom. 61 of 1954, s. 9.*

[1][**31C.**] [*Power of Registration Tribunal to enter names in Register or list*]. *Deleted by Bom. 61 of 1954, s. 9.*

[2][**31D.** Notwithstanding anything contained in this Act or rules, regulations or by-laws made thereunder if at any time it shall appear to the State Government that the Board or the faculty or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of the powers and duties of the Board or the Faculty or any other authority, as the case may be, to be exercised and performed by such person, in such manner and for such period not exceeding six months and subject to such conditions, as it may think fit.] Power of Government to have powers and functions of authorities not validly constituted to be performed by any person.

## PART III.

### MEDICAL PRACTITIONERS GENERALLY.

Bom. VI of 1912. Bom. XLVIII of 1951.

**32.** [3][(*1*)] No person other than (*i*) a practitioner registered under Part II of this Act or (*ii*) a medical practitioner registered under the Bombay Medical Act, 1912, or (*iii*) a person whose name is entered in the list mentioned in section 18 [4][or a person whose name is entered in the register maintained or kept under the Bombay Homoeopathic Act, 1951] [5][shall practise any system of medicine] : Medical practitioners not registered under this Act or under Bom. VI of 1912 not to practise, etc.

Provided that the [6][State] Government may, by notification in the *Official Gazette*, direct the provisions of this section shall not apply to any class of persons or in any specified area.

[7][(*2*) A person shall be deemed to practise any system of medicine within the meaning of sub-section (*1*) who holds himself out as being able to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any human disease, pain, injury, deformity or physical condition or who by any advertisement, demonstration, exhibition or teaching offers or undertakes, by any means or method

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[1] Sections 31A, 31B and 31C were inserted by Bom. 33 of 1949, s. 33.
[2] Section 31D was inserted by Bom. 5 of 1950, s. 11.
[3] Section 32 was renumbered as sub-section (*1*) of that section by Bom. 61 of 1954, s. 10(*1*).
[4] This portion was inserted by Bom. 48 of 1951, s. 40, Sch. II. This amendment will come into force from the date on which the register shall be given in the custody of the Board under section 20 of Bom. 48 of 1951.
[5] These words were substituted for the words "shall practice or hold himself out, whether directly or by implication, as practising for personal gain any system of medicine, surgery or midwifery" by Bom. 61 of 1954. s. 10 (*2*).
[6] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[7] This sub-section was inserted by Bom. 61 of 1954, s. 10(*3*).

whatsoever to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any human disease, pain, injury, deformity or physical condition :

Provided that any person who mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances or is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting spectacles, eye glasses or lenses or practises physio-therapy or electro-therapy or chiropody or who without personal gain furnishes medical treatment or does domestic administration of family remedies shall not be deemed to practise medicine within the meaning of this section.

*Explanation.*—For the purposes of sub-section (*2*),—

(*c*) "advertisement" includes any word, letter, notice, circular, picture, illustration, model, sign, placard, board or other document and any announcement, made orally or by any means of producing or transmitting light, sound, smoke, or other audible or visible representation ; and

(*b*) "physio-therapy" means treatment of human disease, pain, injury, deformity or physical condition by massage or other physical means but does not include bone setting.]

Medical practitioner not registered under this Act or under Bom. VI of 1912 not to sign birth or death certificate etc.

**33.** Notwithstanding anything in any law for the time being in force, no person other than a practitioner registered under Part II of this Act or a medical practitioner registered under the Bombay Medical Act, 1912, [1][or a practitioner whose name is entered in Part A or Part B of the register under the Bombay Homoeopathic Act, 1951]— Bom. VI of 1912. Bom. XLV. III of 1951.

(*a*) shall sign or authenticate a birth or death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner ;

(*b*) shall sign or authenticate a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner ; or

(*c*) shall be qualified to give evidence at any inquest or in any Court of law as an expert under section 45 of the Indian Evidence Act, 1872, on any matter relating to medicine, surgery or midwifery. I of 1872.

Penalty for contravention of section 32.

[2][**34.** Any person who acts in contravention of the provisions of section 32 shall, on conviction, be punished—

(*i*) for a first offence, with fine which may extend to five hundred rupees ;

(*ii*) for a second offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees ;

(*iii*) for a third and subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.]

[1] This portion was inserted by Bom. 48 of 1951, s. 40, Sch. II. This amendment will come into force from the date on which the register shall be given in the Custody of the Board under section 20 of Bom. 48 of 1951.

[2] Section 34 was substituted for the original by Bom. 13 of 1953, s. 2.

VII of 1916. Bom. VI of 1912. Bom. XLV. III of 1951.

**35.** (*1*) No person other than a body or institution authorized under section 22 of this Act or under the Indian Medical Degrees Act, 1916, or under the Bombay Medical Act, 1912, [1][or the Bombay Homoeopathic Act, 1951] shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by a body or institution authorized under this Act or under the Indian Medical Degrees Act, 1916, or under the Bombay Medical Act, 1912, [1][or the Bombay Homoeopathic Act, 1951,] as the case may be.

Conferring, granting or issuing colourable imitations of degrees, diplomas or licences to be an offence

VII of 1916. Bom. VI of 1912. Bom. XLV. III of 1951.

[2][(*2*) Any person who contravenes the provisions of sub-section (*1*), and if the person so contravening is an association, every member of such association who knowingly or wilfully authorises or permits the contravention, shall, on conviction, be punished—

(*i*) for a first offence, with fine which may extend to one thousand rupees;

(*ii*) for a subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.]

[3][**35A.** (*1*) No person shall add to his name any title, description letters or abbreviations which imply that he holds a degree, diploma, licence or certificate as his qualification to practise any system of medicine unless—

Prohibition against addition of any title, description, etc., to name of any person, unless authorized to do so.

(*a*) he actually holds such degree, diploma, licence or certificate; and

(*b*) such degree, diploma, licence or certificate—

(*i*) is recognised by any law for the time being in force in India or in any part thereof, or

(*ii*) has been conferred, granted or issued by a body or institution referred to in section 35, or

(*iii*) has been recognised by the Medical Council of India, or

(*iv*) in cases not falling under sub-clause (*i*), (*ii*) or (*iii*) has been conferred, granted or issued by an authority empowered or recognised as competent, by the [4][State] Government to confer, grant or issue such degree, diploma, licence or certificate.

[5][(*2*) Any person who contravenes the provisions of sub-section (*1*) shall, on conviction, be punished—

(*i*) for a first offence, with fine which may extend to five hundred rupees;

(*ii*) for a subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.]

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[1] This portion was inserted by Bom. 48 of 1951, s. 40, Sch. II. This amendment will come into force from the date on which the register shall be given in the custody of the Board under section 20 of Bom. 48 of 1951.

[2] Sub-section (*2*) was substituted for the original, *ibid.*, s. 3.

[3] This section was inserted by Bom. 33 of 1949, s. 34.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] Sub-section (*2*) was substituted for the original by Bom. 13 of 1953, s. 4.

Saving.

**36.** Nothing in sections 32 and 34 shall apply to any person—

(*a*) who limits his practice to the art of dentistry, or

(*b*) who being a nurse, midwife or health visitor registered under the Bombay Nurses, Midwives and Health Visitors Registration Act, 1935, or a Dai attends on a case of labour, or Bom. VII of 1935.

[1]* * * * * *

(*c*) who practises [2][any] [3][* * therapeutical system other than the system of the Western Medical Science or the [4][Ayurvedic system of medicine or the [5][Unani] system of medicine] [6][or the Homoeopathic system of medicine], provided that such person—

(*i*) has undergone a course of training in homoeopathy [2][or such other therapeutical system] for such period and in such institutions as may be prescribed by the [7][State] Government and has passed an examination as may be prescribed by the [7][State] Government; and

(*ii*) does not hold a degree, diploma or licence which is a colourable imitation of a degree, diploma or licence entitling any person to practise Western Medical Science under the Indian Medical Degrees Act, 1916, [6][or the Ayurvedic System of Medicine or the [5][Unani] system of medicine or the Homoeopathic system of medicine.] VII of 1916.

Liberty to practise in rural areas.

**37.** Notwithstanding anything contained in this Part, a person may practise medicine in any rural area—

(*i*) if he has commenced practice in any village in the said area prior to a date on which a practitioner registered under Part II of this Act or under the Bombay Medical Act, 1912, [6][or under the Bombay Homoeopathic Act, 1951,] has commenced and is in regular practice of medicine in the said village, and Bom. VI of 1912. Bom. XLV-III of 1951.

(*ii*) so long as he continues to practise in the said village as his principal place of practice.

*Explanation.*—For the purposes of this section, "rural area" means an area which is not within the limit of a municipality, cantonment or notified area committee.

Court competent to try offences under this Act and cognizance of offences.

**38.** (*1*) No Court other than the Court of a Presidency Magistrate or of a Magistrate of the First Class shall take cognizance of or try an offence under this Act.

(*2*) No Court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by the [7][State] Government in this behalf.

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[1] Clauses (*c*) and (*d*) were deleted by Bom. 33 of 1949, s. 35.

[2] This word was substituted for the words "homoeopathy or any other" by Bom. 48 of 1951, s. 40, Sch. II. *See* also foot-note 6.

[3] These words were inserted by Bom. 33 of 1949, s. 35.

[4] These words were substituted for the words "Indian System of Medicine" by Bom. 5 of 1950, s. 7.

[5] This word was substituted for the words "Unani Tibbi" by Bom. 61 of 1954, s. 2.

[6] This portion was inserted by Bom. 48 of 1951, s. 40, Sch. II. This amendment will come into force from the date on which the register shall be given in the custody of the Board under section 20 of Bom. 48 of 1951.

[7] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

* *See* now Bombay Nurses, Midwives and Health Visitors Act, 1954 (Bom. XIV of 1954).

39. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or regulations. Indemnity to persons acting under the Act.

[1][SCHEDULE.

(1) Ayurvedvisharad (D. A. S. F.) of the State Faculty for Ayurvedic System of Medicine.

(2) Mahire-tib-o-Jarahat (D. U. S. F.) of the State Faculty for Unani System of Medicine.

(3) Mahire-tib-o-Jarahat of the Board of Examiners in Unani obtained during 1942 and 1943.

(4) Ayurvidya-visharad of the Tilak Maharashtra Vidyapeeth, Poona, before 1944.

(5) Ayurvedteerth of Ayurved Mahavidyalaya, Ahmednagar, held before 1942.

6) Ayurvedvisharad of Aryangla Vaidyak Mahavidyalaya, Satara, before 1942.

(7) Grihit Ayurvedshastra (L.A.M.) of U. P. Ayurved Mahavidyalaya, Patan (Baroda State), before 1942.

(8) Ayurvedacharya either with Medicine and Surgery or with Modern Medicine and Surgery of the Benares Hindu University, Benares.

(9) Fazil-e-tib-o-Jarahat and Kamile-e-tib-o-Jarahat of the Ayurvedic and Unani Tibbi College, Delhi.

(10) Licentiate of Indian Medicine of the Board of Examiners in Indian Medicine, Madras.

(11) Ayurvidya Parangat of the Tilak Maharashtra Vidyapeeth.]

[2][ (12) Ayurvedalankar of Gurukul University, Kangri]

[3][ (13) Graduate in Faculty of Ayurvedic Medicine]

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[1] This Schedule was inserted by Bom. 33 of 1949, s. 36.
[2] This entry was inserted by G. N., L. S. G. & P. H. D., No. 4624/33, dated the 26th May 1953.
[3] This entry was inserted by G. N., L. S. G. & P. H. D., No. 4614/33, dated the 4th June 1953.